

AMENDED IN ASSEMBLY APRIL 1, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 67**

**Introduced by Assembly Member ~~Members Olsen, Chávez, and Gorell~~**

**(Principal coauthor: Assembly Member Conway)**

**(Coauthors: Assembly Members ~~Achadjian, Bigelow, Chávez, Beth Gaines, Grove, Hagman, Harkey, Jones, Linder, Logue, Maienschein, Mansoor, Melendez, Morrell, Olsen, Patterson, Wagner, Waldron, and Wilk~~)**

January 7, 2013

An act to add Chapter 3.7 (commencing with Section 66170) to Part 40 of Division 5 of Title 3 of *and repeal Section 66025.2 of the Education Code*, relating to public postsecondary education, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 67, as amended, ~~Gorell~~ *Olsen*. Public postsecondary education: funding.

(1) Existing law establishes the California State University, under the administration of the Trustees of the California State University, the University of California, under the administration of the Regents of the University of California, and the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, as the 3 segments of public postsecondary education in this state. Existing law appropriates funding, in the annual Budget Act and in other statutes, from the state General Fund for the support of these segments. Existing law also authorizes these segments

to require their students to pay mandatory systemwide fees and tuition, among other costs, for matriculation at these institutions.

~~Proposition 30, known as the Schools and Local Public Safety Protection Act of 2012, was approved by the voters at the November 6, 2012, statewide general election and, among other things, increases personal income tax and sales and use tax rates and provides revenue for public elementary and secondary schools and community colleges.~~

~~This bill would express a finding and declaration of the Legislature, and express the intent of the Legislature, relating to the enactment of Proposition 30 by the voters and to the provision of funding to the California State University, the University of California, and the California Community Colleges.~~

~~The bill, from the 2013–14 fiscal year to the 2018–19 fiscal year, inclusive, would prohibit mandatory systemwide fees or tuition charged to students of the California State University from exceeding the level of the mandatory systemwide fees or tuition charged to students of the California State University for the 2011–12 fiscal year.~~

~~The bill, from the 2013–14 fiscal year to the 2018–19 fiscal year, inclusive, would prohibit the mandatory systemwide fees charged to students of the California Community Colleges from increasing beyond the level of the mandatory systemwide fees charged to students of the California Community Colleges for the 2011–12 fiscal year.~~

~~The bill, from the 2013–14 fiscal year to the 2018–19 fiscal year, inclusive, would prohibit the mandatory systemwide fees or tuition charged to students of the University of California from exceeding the level of the mandatory systemwide fees or tuition charged to students of the University of California for the 2011–12 fiscal year.~~

*This bill would prohibit the Trustees of the California State University from increasing the amounts charged for undergraduate tuition and mandatory statewide fees for California residents from the amounts charged in the preceding fiscal year unless certain increases in appropriation's related to the California State University are made in specified budget acts. This bill would encourage the Regents of the University of California to refrain from increasing the amounts charged for undergraduate tuition and mandatory statewide fees for California residents in the preceding fiscal year when certain increases in appropriation's related to the University of California are made in the same specified budget acts. These provisions would be repealed on January 1, 2017.*

(2) This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 66025.2 is added to the Education Code,  
2     to read:

3     66025.2. (a) (1) Except as provided in paragraph (2), the  
4     Trustees of the California State University shall not increase the  
5     amounts charged for undergraduate tuition and mandatory  
6     statewide fees for California residents from the amounts charged  
7     in the preceding fiscal year.

8     (2) (A) This subdivision shall be operative in the 2013–14 fiscal  
9     year only if there is at least a 5 percent increase in the  
10    appropriation made by Item 6610-001-0001 of Section 2.00 of the  
11    Budget Act of 2013, as compared to the appropriation made by  
12    that item in the Budget Act of 2012.

13    (B) This subdivision shall be operative in the 2014–15 fiscal  
14    year only if there is at least a 5 percent increase in the  
15    appropriation made by Item 6610-001-0001 of Section 2.00 of the  
16    Budget Act of 2014, as compared to the appropriation made by  
17    that item in the Budget Act of 2013.

18    (C) This subdivision shall be operative in the 2015–16 fiscal  
19    year only if there is at least a 4 percent increase in the  
20    appropriation made by Item 6610-001-0001 of Section 2.00 of the  
21    Budget Act of 2015, as compared to the appropriation made by  
22    that item in the Budget Act of 2014.

23    (D) This subdivision shall be operative in the 2016–17 fiscal  
24    year if there is at least a 4 percent increase in the appropriation  
25    made by Item 6610-001-0001 of Section 2.00 of the Budget Act of  
26    2016, as compared to the appropriation made by that item in the  
27    Budget Act of 2015.

28    (b) (1) The Regents of the University of California are  
29    encouraged to refrain from increasing the amounts charged for  
30    undergraduate tuition and mandatory statewide fees for California  
31    residents from the amounts charged in the 2012–13 fiscal year in  
32    either the 2013–14 or 2014–15 fiscal year if there is at least a 5  
33    percent increase in the appropriation made by Item 6440-001-0001

1 of Section 2.00 of the budget act for that fiscal year, as compared  
2 to the appropriation made by that item in the budget act by the  
3 preceding fiscal year.

4 (2) The regents are encouraged to refrain from increasing the  
5 amounts charged for undergraduate tuition and mandatory  
6 statewide fees for California residents in either the 2015–16 or  
7 2016–17 fiscal year if there is at least a 4 percent increase in the  
8 appropriation made by Item 6440-001-0001 of Section 2.00 of the  
9 budget act for that fiscal year, as compared to the appropriation  
10 made by that item in the budget act for the preceding fiscal year.

11 (c) This section shall remain in effect only until January 1, 2017,  
12 and as of that date is repealed, unless a later enacted statute, that  
13 is enacted before January 1, 2017, deletes or extends that date.

14 SEC. 2. This act is an urgency statute necessary for the  
15 immediate preservation of the public peace, health, or safety within  
16 the meaning of Article IV of the Constitution and shall go into  
17 immediate effect. The facts constituting the necessity are:

18 In order to protect the students of the California State University,  
19 the University of California, and the California Community  
20 Colleges and their families from unjustified increases in mandatory  
21 systemwide fees and tuition commencing with the 2013–14 fiscal  
22 year, it is necessary that this act take effect immediately.

23 ~~SECTION 1. (a) The Legislature finds and declares that~~  
24 ~~Proposition 30, known as the Schools and Local Public Safety~~  
25 ~~Protection Act of 2012, which was enacted by the voters at the~~  
26 ~~statewide general election on November 6, 2012, is estimated to~~  
27 ~~raise fifty billion dollars (\$50,000,000,000) over a period of seven~~  
28 ~~years.~~

29 ~~(b) It is the intent of the Legislature to accomplish both of the~~  
30 ~~following:~~

31 ~~(1) In recognition of the promises made to the voters of~~  
32 ~~California that the imposition of tax rate increases by the Schools~~  
33 ~~and Local Public Safety Protection Act of 2012 would protect~~  
34 ~~education, to provide General Fund support for the California State~~  
35 ~~University, the University of California, and the California~~  
36 ~~Community Colleges in amounts that are at least as large as the~~  
37 ~~amounts provided to those respective segments for the 2012–13~~  
38 ~~fiscal year, for as long as those higher tax rates are in effect.~~

39 ~~(2) To increase funding to the California State University,~~  
40 ~~University of California, and California Community Colleges~~

1 systems to ensure that increases in mandatory systemwide student  
2 fees or tuition are not required during the period when the higher  
3 tax rates imposed by the Schools and Local Public Safety  
4 Protection Act of 2012 will be in effect.

5 SEC. 2. Chapter 3.7 (commencing with Section 66170) is added  
6 to Part 40 of Division 5 of Title 3 of the Education Code, to read:

7  
8 CHAPTER 3.7. FUNDING FOR PUBLIC POSTSECONDARY  
9 EDUCATION

10  
11 66170. (a) Notwithstanding any other law, from the 2013–14  
12 fiscal year to the 2018–19 fiscal year, inclusive, mandatory  
13 systemwide fees or tuition charged to students of the California  
14 State University shall not exceed the level of the mandatory  
15 systemwide fees or tuition charged to students of the California  
16 State University for the 2011–12 fiscal year.

17 (b) Notwithstanding Section 76300 or any other law, from the  
18 2013–14 fiscal year to the 2018–19 fiscal year, inclusive, the  
19 mandatory systemwide fees charged to students of the California  
20 Community Colleges shall not increase beyond the level of the  
21 mandatory systemwide fees charged to students of the California  
22 Community Colleges for the 2011–12 fiscal year.

23 (c) Notwithstanding any other law, from the 2013–14 fiscal year  
24 to the 2018–19 fiscal year, inclusive, mandatory systemwide fees  
25 or tuition charged to students of the University of California shall  
26 not exceed the level of the mandatory systemwide fees or tuition  
27 charged to students of the University of California for the 2011–12  
28 fiscal year.

29 SEC. 3. This act is an urgency statute necessary for the  
30 immediate preservation of the public peace, health, or safety within  
31 the meaning of Article IV of the Constitution and shall go into  
32 immediate effect. The facts constituting the necessity are:

33 In order to protect the students of the California State University,  
34 the University of California, and the California Community  
35 Colleges and their families from unjustified increases in mandatory  
36 systemwide fees and tuition commencing with the 2013–14 fiscal  
37 year, it is necessary that this act take effect immediately.